IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7235 OF 2005
IN
CRI.W.P.NO.1677 OF 2003

Anant Baban Chaudhary ..Applicant

Vs.

State of Maharashtra ..Respondents

...

Mr.Jayesh B.Kocheta Advocate for Applicant
Mr.V.B.Konde-Deshmukh A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : OCTOBER 28, 2005

P.C.

1. Heard the learned advocate for the applicant and learned A.P.P. for the State.

2. Applicant had been released on bail in Sessions Case No.176 of 2002. The said case is pending before the learned 9th Ad-hoc and Asstt.Sessions Judge, Pune. The applicant remained absent before the Sessions Court, hence, his bail bonds came to

be cancelled and N.B.W. came to be issued against him by order dated 19.5.2004. The applicant is praying for setting aside the said order.

3. It is submitted by the learned advocate for the applicant that applicant was suffering from ‘Renal Syndrome’ and on account of this ailment, he was taking treatment in the Government Hospital at Hyderabad since January, 2004. After the treatment, he was also advised to take bed rest. On account his ailment, the applicant could not remain present before the Sessions Court. Mr.Kocheta, the learned advocate for the applicant has further submitted that now the applicant is cured of his ailment. The learned advocate for the applicant has stated on the instructions that the applicant undertakes to attend the Sessions Court on all the dates in future and it is prayed that order dated 19.5.2004 be set aside. The fact that the applicant was suffering from ‘Renal Syndrome’ and he was taking treatment, has not been controverted by the prosecution. Thus, in my view, sufficient cause has been made out for the applicant being absent before the Sessions Court.

In this view of the matter and in view of specific undertaking given by the applicant that he will remain present before the Sessions Court on each and every date in future, the order dated 19.5.2004 is set aside.

4. Application is disposed of.

[V.K.TAHILRAMANI,J.]